

**REMARKS**

Claims 74, 75, 77-79, 81, 83, 85, 87-91, 93, 94, 96, 98, 99, 101-103, 105, 107, 109, 111-115, 117, 118, 120, 122, 123, 125-127, 129, 131, 133, 135-139, 141, 142, 144 and 146-153 are currently pending.

The Office Action rejected the pending claims as containing new matter and, thus, not satisfying the written description requirement of 35 U.S.C. § 112, first paragraph, asserting that the claimed polymers are not described in the present specification. In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

The claimed polymers are specified silicone/amide copolymers. The claimed copolymers are preferred copolymers disclosed in the present specification. For example, the claimed copolymers correspond to formula III (page 20), in which DP (degree of polymerization) or  $m = 1-700$ ,  $n = 1$  to 500, X is a linear or branched chain alkylene having 1-30 carbons, and Y is selected from the group consisting of linear or branched chain alkylenes having 1-40 carbons, (see, page 22, par. [0051]), and  $R^1$ ,  $R^2$ ,  $R^3$  and  $R^4$  are the same or different and may be selected from the group consisting of methyl, ethyl, propyl, isopropyl, a siloxane chain, and phenyl. (See, pages 23-24, par. [0055]). Thus, the claimed copolymers of the pending independent claims are described in the present application.

Regarding the specified copolymers of claims 149-153, these copolymers are the preferred copolymers of the present application (see, for examples, 35-36), and cover

such polymers having different degrees of polymerization (DP). (See, for example, examples 31-34 (DP 100), example 21 (DP 45) and example 7 (DP 15).

In view of the above, Applicants respectfully submit that the claimed copolymers are sufficiently described in the present application to satisfy the written description requirement of 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

The Office Action also asserted that the common ownership statement is not proper because it does not identify all co-pending applications. Set forth below is another common ownership statement in which Applicants attempt to list the applications requested by the Examiner. If such a statement continues to be insufficient for any reason, Applicants invite the Examiner to contact Applicants' representative so that an acceptable statement can be submitted.


Applicants note that the following applications and the present application have been, and continue to be, assigned or subject to an obligation of assignment to L'Oréal. The serial numbers and/or patent numbers are as follows: 10/935,352; 10/166,648; 6,958,155; 10/617,048; 10/166,760; 6,916,464; 10/166,755; 10/170,655; 10/170,566; 7,078,026; 10/320,600; 10/320,599; 60/438,782; 60/438,770; 10/622,689; 60/528,698; 10/733,467; 60/528,696; 60/528,700; 10/320,601; 10/166,650; 60/620,689; 11/009,088; 09/395,613; 10/538,920; 10/538,924; 11/193,444; 10/517,390; 11/024,471; 11/217,293; 11/254,919; 11/342,748; 11/898,093. Accordingly, such references are not available as prior art under 35 U.S.C. § 103(c). See, MPEP 706.02.

Applicants believe that the present application is in condition for allowance.

Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Richard L. Treanor  
Attorney of Record  
Registration No. 36,379

Jeffrey B. McIntyre  
Registration No. 36,867

Customer Number

**22850**

Tel #: (703) 413-3000

Fax #: (703) 413-2220